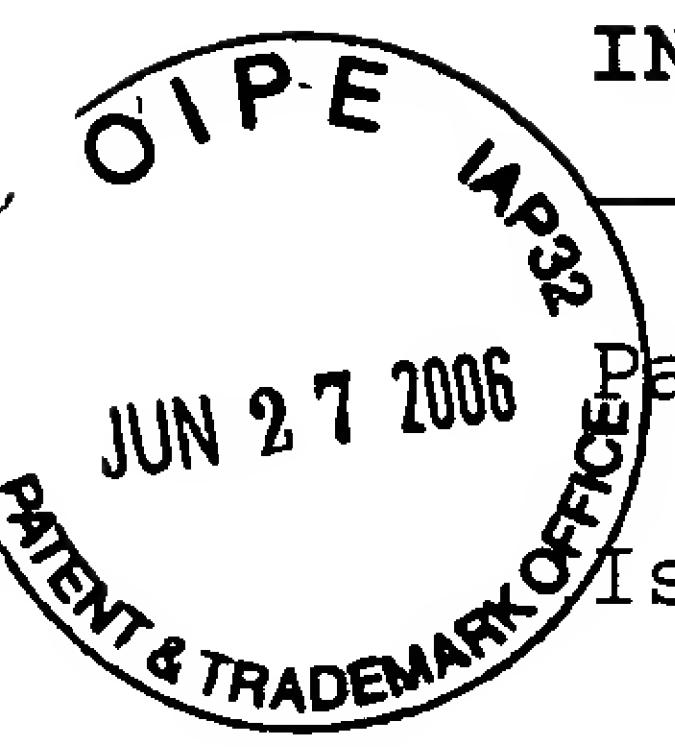


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IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE



Patent No. : 7,056,710

Issue Date : June 6, 2006

Serial No. : 09/836,705

Applicants : Yuki ABE et al.

Filed : April 17, 2001

For : METHODS FOR PRODUCING ML-236B,
A PRAVASTATIN PRECURSOR, ...

Art Unit : 1652

Examiner : Kathleen M. Kerr

Docket No. : 01149/HG

Customer No. : 01933

Confirm. No. : 7090

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Date of Deposit: June 27, 2006
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on the date indicated above and is
addressed to:
MAIL STOP PETITIONS
Commissioner for Patents,
P.O. Box 1450
Alexandria, VA 22313-1450

Dorothy DeFrancesco
Dorothy DeFrancesco

In the event that this Paper is late
filed, and the necessary petition
for extension of time is not filed
concurrently herewith, please consider
this as a Petition for the requisite
extension of time, and to the extent
not tendered by check attached hereto,
authorization to charge the extension
fee, or any other fee required in
connection with this Paper to
Account No. 06-1378.

**APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING
REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
INDICATED IN AN ISSUED PATENT (37 CFR §1.705(d))**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAIL STOP PETITIONS

S I R :

1. This is a request for reconsideration of the patent term adjustment of 218 days indicated in the above-identified issued patent. It is respectfully requested that applicants be afforded a patent term adjustment of 296 days.

2. This application for patent term adjustment is being filed within two months of the issue date (37 CFR §1.705(d)).

3. Applicants submit herewith a "Statement of the Correct Patent Term Adjustment: Basis Under 37 CFR §1.702 For the Adjustment (37 CFR §1.705(b)(2)(i) and (ii))."

4. The above-identified patent is not subject to a terminal disclaimer (37 CFR §1.705(b)(2)(iii)).

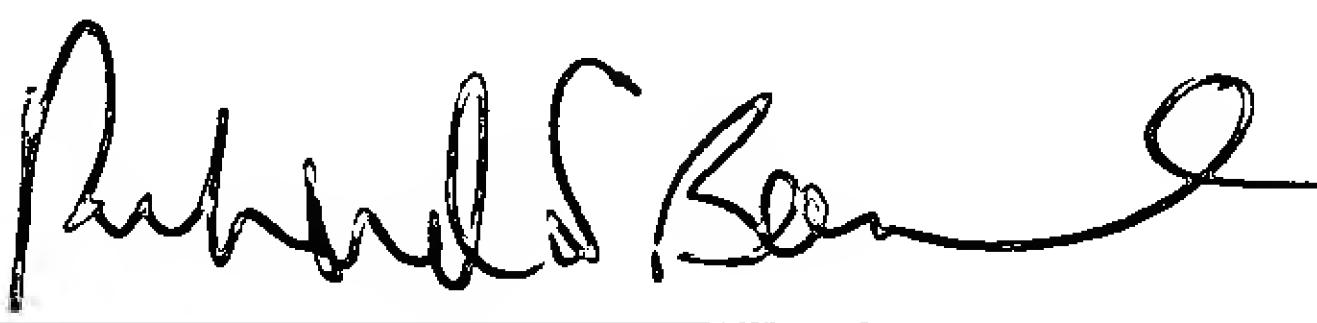
5. As to any circumstances during the prosecution of this patent constituting a failure to engage in reasonable efforts to conclude processing or examination of the above-identified patent application as set forth in §1.704 (37 CFR §1.705(b)(2)(iv)) : there was none (37 CFR §1.705(b)(2)(iv)(B)).

6. The fee set forth in §1.18(e) (\$200), required by 37 CFR §1.705(b)(1), is paid as follows:
Attached is a Form PTO-2038 in the amount of \$200.

To the extent not tendered by Form PTO-2038 attached hereto, authorization is given to charge any additional fees to Deposit Account No. 06-1378.

It is respectfully requested that this application for patent term adjustment be granted and that a Certificate of Correction be issued to indicate a patent term adjustment of 296 days.

Respectfully submitted,



RICHARD S. BARTH
REG. NO. 28,180

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E-Mail Address: BARTH@FHGC-LAW.COM
RSB/ddf

Encs.: (1) Statement of the Correct Patent Term Adjustment:
 Basis Under §1.702 For the Adjustment (37 CFR §1.705
 (b) (2) (i) and (ii))
 (2) Form PTO-2038



**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Patent No. : 7,056,710

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STATEMENT OF THE CORRECT PATENT TERM ADJUSTMENT:

BASIS UNDER 37 CFR §1.702 FOR THE ADJUSTMENT

(37 CFR §1.705(b)(2)(i) AND (ii))

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAIL STOP PETITIONS

S I R :

1. This statement is being submitted in support of the "APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED IN AN ISSUED PATENT (37 CFR §1.705(d))" to which this statement is attached.

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37 CFR §1.705(b)(2)(i)

2. The patent term adjustment indicated in the above-identified patent is 218 days. It is respectfully submitted that such indication of patent term adjustment is in error, due to the improper inclusion of a 78 day applicant delay with respect to the filing of drawings on March 21, 2006.

It is respectfully submitted that the correct patent term adjustment under 37 CFR §1.702 is 296 days.

37 CFR §1.705(b)(2)(ii)

3. The basis on which applicants seek adjustment are as follows.

a. Applicants received a USPTO Notice Regarding Drawings mailed on March 16, 2006 (which was almost six months after the issue fee was paid on September 27, 2005). The Notice stated that "Corrected drawings for the above-identified application, received in the USPTO on 04/17/2001 are still not acceptable for the reason(s) indicated on the attached PTO-948."

The Form PTO-948 attached to the March 16, 2006 USPTO Notice indicated that the drawings were objected to due to "Erasures, alterations, interlineations, folds, copy machine marks not accepted Fig(s) 1, 4."

b. In reply to the March 16, 2006 USPTO Notice, drawings for Figs. 1 and 4 were filed by the applicants on March 21, 2006.

The drawings submitted on March 21, 2006 were the same drawings as submitted on April 17, 2001, when the application was filed.

c. In the approximately five years from the filing of the application until the mailing of the March 16, 2006 USPTO Notice, applicants did not receive any notification from the USPTO that the drawings were not acceptable.

d. It is considered that any defects in the originally filed drawings were due to mishandling of the drawings by the USPTO.

e. In effect, the drawings submitted on March 21, 2006 represented a courtesy copy of the drawings as originally filed.

Respectfully submitted,



RICHARD S. BARTH
REG. NO. 28,180

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